

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 01, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN D. CLIETT,

Defendant.

No. 1:22-CR-02111-MKD

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS
INDICTMENT

ECF No. 40

Before the Court is Defendant's Motion to Dismiss Indictment, ECF No. 40. At Defendant's request, the Court stayed determination of this Motion pending the Supreme Court's decision in *United States v. Rahimi*. ECF Nos. 67, 77, 91. The Court directed the parties to file a status report on their respective positions within seven days of the issuance of a ruling in *Rahimi*. ECF No. 102 at 2; *see also* ECF No. 93 at 3.

On June 21, 2024, the Supreme Court issued its ruling in *Rahimi*, 602 U.S. ___, 2024 WL 3074728 (2024). The United States filed a status report that day, contending that the *Rahimi* decision is controlling and requires denial of the Motion

1 to Dismiss. ECF No. 105. To date, Defendant has not filed a status report
2 addressing *Rahimi*.

3 The Court has reviewed the briefing and concludes that the basis for
4 Defendant's Motion to Dismiss—whether 18 U.S.C. § 922(g)(8) is consistent with
5 the Second Amendment—is controlled by *Rahimi*. The argument is foreclosed by
6 the Supreme Court's ruling. The Court denies the Motion to Dismiss.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Defendant's Motion to Dismiss Indictment, **ECF No. 40**, is **DENIED**.

9 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
10 provide copies to all counsel.

11 **DATED** July 1, 2024.

12 *s/Mary K. Dimke*

13 MARY K. DIMKE

14 UNITED STATES DISTRICT JUDGE
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